

Effective Date: January 1, 2021

POLICY

Employee Handbook – Section 318

Paid Family and Medical Leave

(PFML)

RESPONSIBLE OFFICE
Human Resources

318 Paid Family and Medical Leave

Paid Family and Medical Leave provides eligible employees with an authorized paid absence from work for their own serious health condition; to care for a family member with a serious health condition; to bond with a child during the first 12 months after the child's birth, adoption, or foster care placement; for a military service related qualifying exigency; and to care for a family member who has military service related illness or injury.

318.1 Definitions

A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves (a) in-patient care in a hospital, hospice or residential medical facility, or (b) continuing treatment by a health care provider. The term "serious health condition" includes any period of incapacity due to pregnancy or for prenatal care. The term serious health

condition does not include cosmetic treatment or substance abuse disorders unless inpatient hospital care is required or unless complications develop.

A “family member” is a (a) child, including a biological, adopted, or foster child, a stepchild or legal ward, a child to whom the employee stands *in loco parentis*, or a person to whom the employee stood *in loco parentis* when the person was a minor child, regardless of age or dependency status; and (b) spouse, domestic partner, parent, or parent of a spouse or domestic partner of the employee, a person who stood *in loco parentis* to the employee when the employee was a minor child, or a grandchild, grandparent or sibling of the employee.

A “benefit year” is the 52-week period beginning on the Sunday immediately preceding the first day that the Paid Family and Medical Leave begins.

318.2 Eligibility

Full-time employees and regular part-time employees (“Eligible Employees”) are eligible to apply for Paid Family and Medical Leave if, over the previous 12 months, they have earned the minimum State published earnings requirement while working for the University or any other Massachusetts employer (in January 2021, the minimum State published earnings requirement was \$5,100 and is adjusted annually), and the amount of those earnings meets or exceeds 30 times the amount the employee would receive in benefits under the Massachusetts Family and Medical Leave Law and accompanying regulations (the “Financial Eligibility Requirement”).

Eligible Employees excludes exempt student employees, H-2A visa holders, any employees who do not perform services in Massachusetts, and any other employees exempted under the Massachusetts Family and Medical Leave Law.

318.3 Types and Amounts of Leave

The types and duration of Paid Family and Medical Leave that are available to an employee under this policy are as follows:

- 26 weeks of personal medical leave if an employee is unable to work due to their own serious health condition, including pregnancy and recovery from childbirth.
- 12 weeks of family leave to provide care to a family member with a serious health

condition.

- 12 weeks of family leave to bond with a child during the first 12 months after the child's birth, adoption, or foster care placement.
- 12 weeks of family leave for a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty in the Armed Forces.
- 26 weeks of family leave to care for a family member who is or was a covered service member of the Armed Forces and who requires medical care as a result of an illness or injury related to the family member's active duty.

In each benefit year, the maximum amount of combined Paid Family and Medical Leave an employee may take continuously, intermittently, or through a reduced workload schedule under this policy is, in most cases, 26 weeks. In rare circumstances, an employee may be entitled to an additional six weeks of Paid Family and Medical Leave when their personal medical leave duration has reached 26 weeks.

Subject to the above limits on the length of leave, Paid Family and Medical Leave may be approved on an intermittent or reduced leave schedule; however, Paid Family and Medical Leave to bond with a child may be taken on an intermittent or reduced schedule basis only when the employee and their supervisor agree upon the intermittent or reduced leave schedule. Intermittent leave may be taken in increments of one (1) hour.

318.4 Compensation and Benefits

Employees taking Paid Family and Medical Leave will receive 100% of their base pay earnings for the maximum periods of leave described above.

For an employee who takes leave on an intermittent or reduced schedule leave for any of the qualifying reasons set forth above, the weekly benefit will be reduced in direct proportion to the intermittent or reduced leave schedule.

The University will continue to provide contributions to an employee's health and dental insurance benefits, if any, at the level and under the conditions that coverage would have been provided if the employee had continued working continuously for the duration of such leave. During the duration of the Paid Family and Medical Leave benefit period, employees are responsible for paying their portion of the insurance premiums.

318.5 Reduction in Benefits

The benefits paid to Eligible Individuals under this Policy will be reduced by the amount of wages or wage replacement that the employee receives for that period from (a) any government program or law, including unemployment benefits, workers' compensation (other than for permanent partial disability incurred prior to the leave), (b) under other state or federal temporary or permanent disability benefits law, (c) a permanent disability policy or program of the University, or (d) unless the aggregate amount an Eligible Individual receives would exceed the Eligible Individual's average weekly wage, the weekly benefit amount for a period shall not be reduced by the amount of wage replacement that an Eligible Individual on Family and/or Medical Leave receives for that period from a University temporary disability policy or program, a paid family or medical leave policy of the University, or any wages received from another employer other than the University or through self-employment.

No paid leave benefits will be available to Eligible Employees from the State-sponsored benefit plan administered by the Massachusetts Department of Family and Medical Leave while this policy remains in effect.

318.6 Requests and Approvals

When Paid Family and Medical Leave is foreseeable, an employee must give thirty (30) days' notice of the anticipated start date of Paid Family and Medical Leave to their supervisor and the Human Resources Service Center. When 30 days' notice is not possible for reasons beyond an employee's control, an employee must give notice as soon as practicable.

All applications for Paid Family and Medical Leave benefits will require certification evidencing that the leave is for a qualifying reason. Information about applying for Paid Family and Medical Leave is available through the University's Human Resource Service Center.

Paid Family and Medical Leave taken under this policy will run concurrently with leave taken under Boston University leave policies, including the [Boston University Paid Family and Medical Leave Law Policy](#), and other applicable federal and state leave laws, including but not limited to the Massachusetts Earned Sick Time Law, the Massachusetts Parental Leave Act, and the federal Family Medical Leave Act, when the employee is eligible for both and the employee's Paid Family and Medical Leave is for a qualified reason under those state and federal laws and/or University policies. Further, if an employee takes a leave associated with a qualifying reason under this policy pursuant to any other Boston University policy, leave under this policy will run concurrently regardless of whether the employee or former employee applies for benefits under this policy.

318.7 Return to Work

Employees on Paid Family and Medical Leave must be cleared to return by the Boston University Occupational Health Center and provide documentation from their health care provider demonstrating that they are able to resume work. Any restrictions on an employee's return to work must be reviewed in advance by the Boston University Equal Opportunity Office as a request for reasonable accommodation.

The University will consider reasonable accommodations for employees in accordance with its [Reasonable Accommodations For Individuals With a Disability Policy](#). Employees requiring a reasonable accommodation in order to return to work at the University after Paid Family and Medical Leave must contact the University's Equal Opportunity Office to request such an accommodation.

Employees who are unable to return to work on the date scheduled must notify both their supervisor/manager and the Human Resources Service Center immediately. Employees who experience a change in relevant circumstances that would justify an extension, reduction or other modification of the period of leave or the amount of benefits must notify their supervisor/manager and the Human Resource Service Center within seven days of the change. Employees must provide information requested by the Human Resources Service Center to support any request for an extension or modification of leave, which may include a newly completed or updated certification.

An employee who fails to perform work as scheduled may be subject to corrective action and an employee who fails to return to work by the expected return date may be considered to

have resigned voluntarily from the University and will no longer receive Paid Family and Medical Leave benefits.

An employee returning to work after taking Paid Family and Medical Leave will be restored to their previous position or to an equivalent position, with the same status, pay, employment benefits, length-of-service credit and seniority as of the date of leave, except that the employee will not be entitled to any employment rights or benefits greater than those the employee would have had in the absence of taking such a leave.

The University will ensure the continuance of employees' existing rights, if any, to time off benefits, bonuses, advancement, seniority, length-of-service credit or other employment benefits, plans or programs upon their return to employment.

318.8 Appeals

Under the Law, employees may submit an internal appeal if Paid Family or Medical Leave benefits are denied. Information about the appeal process is available at <https://www.bu.edu/hr/paid-family-and-medical-leave/>. Appeals must be submitted within ten (10) days of the denial of a request for benefits, unless extended for circumstances beyond the employee's control. Employees will be informed in writing of the outcome of the internal appeal and of their rights under the Law and applicable regulations.

Employees also have a right to appeal to the Massachusetts Department of Family and Medical Leave ("DFML"). Employees are required to participate in the internal appeal process prior to exercising their right to appeal with the DMFL. The DFML may be contacted at MassPFML@Mass.gov.

318.10 Related Policies

- 301 [Vacation Leave](#)
- 303 [Personal Days](#)
- 309 [Compensatory Time Off](#)
- 312 [Family and Medical Leave \(FMLA\)](#)
- 313 [Unpaid Time Off](#)
- 314 [Leave of Absence—Medical \(unpaid\)](#)

[315 Leave of Absence – Personal \(unpaid\)](#)

[Boston University Paid Family and Medical Leave Law Policy \(BU PFMLL\)](#)

THIS POLICY STATEMENT IS PART OF THE [EMPLOYEE HANDBOOK](#), AND SHOULD BE READ IN CONJUNCTION WITH ALL OF THE POLICIES THAT COMPRISE THE HANDBOOK. THE PROVISIONS OF THE EMPLOYEE HANDBOOK DO NOT CONSTITUTE AN EMPLOYMENT CONTRACT AND DO NOT ALTER THE AT-WILL STATUS OF AN EMPLOYEE.

END OF POLICY TEXT

Additional Resources Regarding This Policy

Related Policies and Procedures

- [Employee Handbook Policies Manual](#) (staff)
 - [Section 315 Leave of Absence – Personal \(unpaid\)](#)
 - [Section 318 Paid Family and Medical Leave](#) - effective January 1, 2021 [this Policy]

- [BU Paid Family and Medical Leave Law Policy](#) - effective January 1, 2021
- [Boston University Family and Medical Leave Policy for Temporary Employees, Part-Time Faculty, and Former Employees](#) - effective January 1, 2021
- [Faculty Handbook](#) (faculty)

Related BU Websites

- [Human Resources](#)
 - [HR Policies](#)
 - [Manager Resources](#) - HR Website

History

This Policy is effective on January 1, 2021.

Categories: Non-Represented Staff Keywords: paid family leave, paid medical leave, PFML